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FOR ITEMS USED

(ZNS) HOUSTON ATTORNEY PERCY FOREMAN -- THE LAWYER WHO REPRESENTED JAMES EARL RAY DURING RAY'S 1969 TRIAL -- HAS ANNOUNCED THAT HE WILL NOT ATTEND OR TESTIFY AT RAY'S UPCOMING "EVIDENCIARY HEARING."

FOREMAN CLAIMS HE WILL BE TOO BUSY TO ATTEND.

FOREMAN IS REGARDED AS A KEY WITNESS IN THE HEARING BECAUSE FOREMAN HAS BEEN ACCUSED BY RAY OF PRESSURING HIM INTO PLEADING GUILTY TO DOCTOR MARTIN LUTHER KING'S MURDER.

RAY PLEADED GUILTY DURING HIS ONE-DAY TRIAL -- BUT MOMENTS LATER INTERRUPTED THE PROCEEDINGS AND BEGAN TO TALK ABOUT A CONSPIRACY BEHIND DOCTOR KING'S MURDER.

BEFORE RAY COULD FINISH HIS STATEMENT, FOREMAN INTERVENED. FOREMAN LATER ASSURED BOTH JUDGE AND JURORS THAT JAMES EARL RAY, HIS CLIENT, WAS THE LONE KILLER OF DOCTOR KING.

RAY, IMMEDIATELY AFTER THE TRIAL, FIRED FOREMAN. RAY CLAIMS FOREMAN WANTED HIM CONVICTED SO THAT FOREMAN COULD SELL AN EXCLUSIVE STORY ABOUT RAY BEING THE "LONE ASSASSIN" TO A BOOK PUBLISHER.

DESPITE FOREMAN'S ABSENCE IN COURT LATER THIS MONTH, RAY'S NEW ATTORNEYS WILL BE EQUIPPED WITH SIX HOURS OF SWORN TESTIMONY TAKEN FROM FOREMAN EARLIER THIS YEAR.

RAY'S NEW DEFENSE TEAM SAYS IT WILL USE THE EVIDENCIARY HEARING TO PROVE THAT RAY'S FIRST TRIAL WAS A "TRAVESTY OF JUSTICE", AND THAT HE WAS USED BY POLICE OFFICIALS AND EVEN HIS OWN ATTORNEY AS THE FALL GUY IN A POSSIBLE CONSPIRACY. THEY SAY THAT FOREMAN'S STATEMENTS AND THE TESTIMONY OF OTHERS SHOULD (QUOTE) "SHOCK THE CONSCIENCE OF THE NATION."

THE HEARING OPENS ON OCTOBER 22ND IN A MEMPHIS FEDERAL COURT. RAY IS EXPECTED TO BE ON THE WITNESS STAND FOR AT LEAST ONE FULL DAY -- ZODIAC
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